

## 46 Am. Jur. 2d Judges § 217

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### Judges

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### IX. Disqualification to Act in Particular Case

#### F. Revocation or Removal of Disqualification

## § 217. Revocation of determination of disqualification of judge—Effect of change of judges

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

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Although it may be permissible for a judge who has self-disqualified to later reinstate oneself upon a showing of sufficient proof,<sup>1</sup> it has been held that where there has been a change of judges effected by a determination or order of disqualification, that change may not be revoked by the original judge, especially where a sufficient statutory affidavit of disqualification is on file.<sup>2</sup>

Although a judge who has self-disqualified to hear a case generally may subsequently revoke the order and resume jurisdiction, if a special judge has qualified and assumed jurisdiction then the displaced judge has no authority in the case so long as the special judge exercises jurisdiction.<sup>3</sup>

Where a judge has entered an order of self-disqualification and has relinquished jurisdiction to another judge, such judge cannot reassume jurisdiction on a personal motion, since the judge has lost jurisdiction in the cause,<sup>4</sup> even where obtained by fraud.<sup>5</sup>

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### Footnotes

- 1 § 216.
- 2 *State ex rel. Mosshammer v. Allen* Superior Court No. 3, 246 Ind. 366, 206 N.E.2d 139 (1965).
- 3 *Dotson v. Burchett*, 301 Ky. 28, 190 S.W.2d 697, 162 A.L.R. 636 (1945).
- 4 *State ex rel. Mosshammer v. Allen* Superior Court No. 3, 246 Ind. 366, 206 N.E.2d 139 (1965).
- 5 *Garvey v. Skamser*, 69 Wash. 259, 124 P. 688 (1912).

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